

AO 91 (Rev. 08/09) Criminal Complaint

United States Courts

Southern District of Texas

UNITED STATES DISTRICT COURT

FILED

for the

November 10, 2018

Southern District of Texas

David J. Bradley, Clerk of Court

United States of America
 Julio Cesar GONZALEZ-Avalos
 YOB: 1989, COC: Mexico

Case No.

M-18-2333-M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 9, 2018 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

21 USC 952

Knowingly and intentionally attempt to import into the United States from the
 United Mexican States approximately 7.08 kilograms of cocaine, a Schedule II
 controlled substance, and did knowingly and intentionally possess with the
 intent to distribute approximately 7.08 kilograms of cocaine, a Schedule II
 controlled substance.

21 USC 841

This criminal complaint is based on these facts:

I declare under penalty of perjury that the statements in this complaint are true and correct. Executed on November 10, 2018.

✓ Continued on the attached sheet.

Submitted by reliable electronic means, sworn to and attested to
 telephonically per Fed. R. Cr. P. 4.1, and probable cause found on:

/s/ Gerardo Mercado

Complainant's signature

Gerardo Mercado, HSI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 11/10/2018City and state: McAllen, Texas

Judge's signature

J. Scott Hacker, U.S. Magistrate Judge

Printed name and title

ATTACHMENT A

- I. On November 9, 2018, at approximately 8:40 p.m., U.S. Customs and Border Protection Officers (CBPOs) encountered **Julio Cesar GONZALEZ-Avalos**, a Mexican national with a B1/B2 nonimmigrant visa, driving a tractor-trailer truck (hereinafter referred to as "**Subject Vehicle**") as he presented himself for entry inspection from Mexico into the United States via the Pharr, Texas Port of Entry (POE).
- II. At the primary inspection area, GONZALEZ and the Subject Vehicle were referred to the secondary inspection for further inspection.
- III. At the secondary inspection area, a certified CBP Canine Enforcement Officer (CEO) and his assigned Agency canine conducted an air sniff to the exterior of the Subject Vehicle. The CBP Canine team indicated and reported a positive alert to a cooler/ice chest found with the Subject Vehicle's cab area. Subsequently, CBPOs discovered approximately six (6) bundles, weighing approximately 7.08 kilograms, concealed within the cooler/ice chest's insulation walls. CBPOs probed the approximately six (6) bundles and observed a white powdery substance within the bundles, which later field tested positive for characteristics of cocaine.
- IV. During the secondary inspection, CBPOs noticed GONZALEZ display extremely nervous behaviors. GONZALEZ advised CBPOs that he was given the cooler/ice chest by individuals in Mexico.
- V. On November 10, 2018, at approximately 2:05 a.m., Homeland Security Investigations (HSI) Agents conducted a post-Miranda interview with GONZALEZ. GONZALEZ claimed that while traveling in the Subject Vehicle near Morelia, Michoacan, Mexico, unknown individuals randomly approached him and handed him the cooler/ice chest loaded with various drinks and yogurts. GONZALEZ claimed the unknown individuals forced and threatened him to transport and deliver the cooler/ice chest from Mexico into the United States. GONZALEZ stated he suspected the cooler/ice chest was loaded with narcotics based on the unknown individuals' demands and behaviors. GONZALEZ stated he did not alert law enforcement officers in Mexico or the United States because he feared the unknown individuals would retaliate against him or family members. GONZALEZ admitted he freely opened and consumed multiple drinks and yogurts found within the cooler/ice chest during his trip from Michoacan, Mexico to the United States.